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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NEETA THAKUR, et al.,

Plaintiffs,

vs.

DONALD J. TRUMP, et al.,

Defendants.

Case No. 3:25-cv-04737-RL

DECLARATION OF CLAUDIA POLSKY

*Filed concurrently with Motion for Leave to
File Third Amended Complaint; Motion for
Preliminary Injunction and Provision Class
Certification as to Department of Energy*

Judge: The Honorable Rita F. Lin

1 I, Claudia Polsky, declare as follows:

2 1. I am an attorney duly admitted to practice before this Court. I am a Clinical
3 Professor of Law at the University of California, Berkeley and the founding Director of its
4 Environmental Law Clinic. I am one of the attorneys of record for Plaintiffs and the Proposed
5 Classes. I have personal knowledge of the facts set forth herein. If called as a witness, I could and
6 would competently testify to the matters stated herein. I make this declaration in support of the
7 Motion for Leave to File Third Amended Complaint and Motion for Preliminary Injunction and
8 Provisional Class Certification as to Department of Energy (DOE).

9 2. I have for months been diligently gathering information related to DOE's
10 termination of grants to UC researchers. These were few in number, and thus ill-suited to inclusion
11 in a class action lawsuit, until the mass termination of research grants that DOE announced in
12 early October. Obtaining information on the number of grants DOE terminated that affected UC
13 researchers required me to submit a request under the California Public Records Act to the
14 University of California ("UC"). Exhibit A to this Declaration is a true and correct copy of the
15 spreadsheet produced by UC in response to this request.

16 3. Although — as described in paragraphs 4-7 below — the UC spreadsheet is
17 dramatically underinclusive, it shows that DOE grant terminations adversely impacted **21** Full-
18 Time-Equivalent ("FTE") UC personnel who can fairly be described as Principal Investigators
19 ("PIs") or principal researchers (*i.e.*, professors or graduate students in research leadership roles,
20 rather than undergraduate research assistants, laboratory technicians, or other staff) at work on
21 projects other than the "ARCHES" project described in paragraphs 4-6 below. These 21 "FTE"
22 encompass an unspecified larger number of individuals—and likely, a far larger number—because
23 individuals devoting less than full time to a project count as a fractional contribution to an FTE.

24 4. Of particular significance to UC researchers, although largely missing from UC's
25 spreadsheet, is DOE's termination of an award to the Alliance for Renewable Clean Energy
26 Systems ("ARCHES"), a public-private nonprofit corporation founded by the UC system, the CA
27 Governor's Office of Business and Economic Development, and the nonprofit Renewables 100
28 Policy Institute. The ARCHES project is extremely complex and involves numerous researchers,

1 phases and UC campuses: UC Irvine, UC Davis, UC San Diego, UC Berkeley, and the Lawrence
2 Berkeley National Lab (LBNL). (The UC spreadsheet captures but a tiny fraction of impacted UC
3 activity and researchers, as it includes but a single project at UC Irvine that is calculated as 2.7
4 FTE.) The goal of the project is to unleash dramatic growth in hydrogen production and
5 consumption by 2045 to decarbonize the world's energy sources. A specific sub-goal is to develop
6 and commercialize at scale the use of hydrogen in the transportation sector
7 (vehicles/buses/planes/ships), which is America's largest source of greenhouse gas emissions.

8 5. To obtain information and documentation about the ARCHES project termination, I
9 spoke and corresponded extensively with more than seven different employees across multiple UC
10 campuses; with LBNL; and with the former Executive Director of ARCHES. These efforts were
11 complicated by several factors. First, the Executive Director was fired in early November because
12 of cash-flow problems arising from DOE's termination of the project. As a result, she was locked
13 out of her computer and could not access key project documents. Second, an additional ARCHES
14 project team member with comprehensive document access was on a boat during a portion of this
15 time period with minimal connectivity.

16 6. Ultimately, however, through discussion and email with Dr. Adam Weber, a UC
17 researcher at LBNL and Chief Technology Officer of ARCHES, I obtained a list of the PIs and
18 other principal researchers encompassed in the terminated ARCHES award. Exhibit B to this
19 Declaration is a true and correct copy of the email I received from Dr. Weber that lists by campus
20 the **29** University of California research personnel involved with ARCHES before its partial
21 collapse due to grant termination. Per my request, Dr. Weber also listed the UC researchers
22 affected by non-ARCHES grants to UC that DOE terminated of which he was personally aware. A
23 true and correct copy of Dr. Weber's emailed list of **34** DOE-termination-impacted UC researchers
24 known to him, which even the incomplete spreadsheet provided by UC's public records officers
25 and other data make clear is significantly underinclusive as to non-ARCHES researchers, is
26 Exhibit B hereto.

27 7. As an additional cross-check on the number of UC researchers impacted by DOE
28 grant terminations, which goes to the issue of numerosity of the proposed Plaintiff class, I spoke

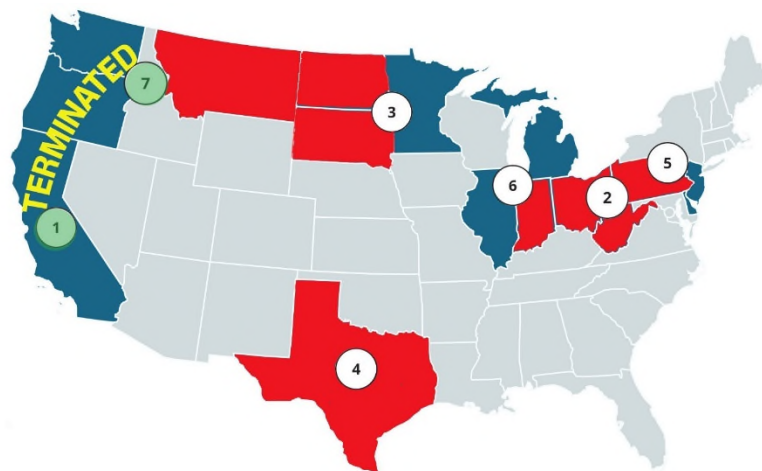
1 and emailed with John Piazza, Chief of Staff for the Democratic Staff of the House Committee on
 2 Science, Space, and Technology. Through the additional assistance of Dr. Adam Rosenberg,
 3 Democratic Staff Director for the Committee's Energy Subcommittee, Mr. Piazza provided me
 4 spreadsheets and narrative explanations of DOE's selective termination of Blue State grant
 5 awards, and an October 2, 2025 House Appropriations Committee press release expressing alarm
 6 over this issue (*For Immediate Release: President Trump and Director Vought Terminate Blue*
 7 *State Energy Projects, Raising Prices for Consumers, Eliminating Jobs*). Exhibit C to this
 8 Declaration is a true and correct copy of Mr. Piazza's communication to me with attachments.

9 8. The October 2025 terminations heavily impacted UC researchers. Following the
 10 efforts described in paragraphs 1-6, I was able to find two declarants, Dr. Louise Bedsworth and
 11 Dr. Plamen Atanasov, whose grants were terminated, who were willing to become declarants, and
 12 who were willing to become class representatives for a DOE class.

13 9. Finally, notwithstanding the laudable cooperation of opposing counsel, my efforts
 14 to meet and confer about DOE's position took more time than usual due to the government's
 15 extended shutdown, and its effect on both DOJ and DOE staffing.

16 10. In light of these factors, counsel for Plaintiffs did not delay in bringing this Motion
 17 for Leave to File Third Amended Complaint and Motion for Preliminary Injunction, but rather,
 18 filed as expeditiously as possible under the circumstances.

19 11. I worked with a graphic designer to prepare the graphic below, illustrating the areas
 20 of the country where DOE has, and has not, terminated Hydrogen Hub programs like ARCHES.



1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

3 Executed on this 23rd day of November 2025, at New York, New York.

4
5 /s/ Claudia Polsky
6 Claudia Polsky
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